

MR. DE WITT'S \$20,000 FEE

HIS BILL AGAINST KINGS COUNTY IN THE BOND LITIGATION.

The Hearing Before the Referees—Opinions of Ex-Senator Tracy, Joseph H. Choate, Gen. Woodford, and Other Lawyers.

When the question of the validity of Kings' county bonds, amounting to nearly \$20,000,000, was raised about six months ago, ex-Corporation Counsel William C. De Witt of Brooklyn was retained by County Treasurer Adams to defend the suit. The case came up for argument before the General Term of the Supreme Court and the Court of Appeals and each tribunal decided that the issue of the bonds was valid. Mr. De Witt's argument covered the constitutional questions involved. His bill for his services was the largest ever presented by a lawyer against the county of Kings, amounting to \$20,000. County Treasurer Adams refused to pay it. Mr. De Witt then sued him in the Supreme Court to recover the amount and United States District Attorney A. V. Jones, David Barnes and Gen. James Johnson, President of the Kings County Elevated Railroad Company, were appointed referees in the case. Appendix is some of the testimony taken before the referee.

Ex-Senator Tracy testified that the bill was reasonable in view of the highly important issues involved and the great care and knowledge required in preparing the case. Gen. Stewart L. Woodford agreed with Senator Tracy that from \$20,000 to \$25,000 was not too high a price for the services rendered.

Judge Allen, a lawyer next door, said yesterday that a few minutes before the starting of the hearing he saw Mr. De Witt in his store and saw two men walking up and down. One of the men entered Thorner's store while the other went leisurely up to the door. In a few minutes the door was opened by a man and the stranger went inside. Less than a minute afterward Thorner was startled to find that when Allen saw going into the hall ran out.

It is believed that the man who asked Thorner what was in the way was the one who opened the door and that the intention of the pair was to assault and rob the tailor, but that they bungled the job.

A PLOT TO ROB HIM.

SACRED THURSDAY MAY DIE OF A STATE WOUND INFLICTED BY A STRANGER.

Jacob Thorner, a tailor of 120 Main street, Williamsburgh, who was stabbed in the back on Thursday, and whose wounds at first were thought to be slight, may die of them. It now appears that he was attacked by a robber and not by a crank. He has two wounds in the back, one of which penetrated his left lung. He said yesterday that he was alone in the store when the man entered.

"He asked me to show him some cheap suits," Thorner added. "And he selected one for \$12. When I took the suit to go to the rear of the store to wrap it up he asked me to take it to the front door. As I did so he went into the hall. He returned in a few minutes, and while I had my back turned he stood behind me and put his arm around my neck and my shoulder. I heard him say something, but I could not understand him. I tried to pull out my knife and stabbed him twice, but he was too strong for me. He got away and didn't see him again."

Theodore Allen, a tailor next door, said yesterday that a few minutes before the stabbing he saw Mr. De Witt in his store. He saw the tailor and saw two men walking up and down. One of the men entered Thorner's store while the other went leisurely up to the door. In a few minutes the door was opened by a man and the stranger went inside. Less than a minute afterward Thorner was stabbed. He said that when Allen saw going into the hall ran out.

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PARDONED IN NOVEMBER.

CASEY WILL GO BACK TO SING SING FOR A LONG TERM IN MAY.

Edward Casey, a thick-set, ill-looking man of about middle age, pleaded guilty yesterday in the General Sessions, before Judge Fitzgerald, of breaking into the house of Mrs. Anna Payne, at 280 West 18th Street on May 8. Clark Davavenport recognized him as Edward Dolan, who was convicted of robbery in the first degree in the General Sessions on May 18, 1890, and sentenced by Recorder Smith to state prison for 12 years. An application was made for a pardon for Dolan and against the protest of the district attorney, John J. Flynn, and the court adjourned until May 22.

Mr. De Witt—Why do you say that the man involved affected the charges of law? Gen. Woodford—They affect the charges of breaking into real estate, or of brokers buying or selling stocks or bonds on commission. There is a higher and more trained ability, should not be paid according to the amount involved. That rule prevails at the bar in New York.

Mr. Choate—He was also one of the witnesses called by Mr. De Witt, and his opinion as to the facts of the case involved.

Gen. Woodford—The effect of the testimony heard the rest of it, and had seen the bill of particulars, was that the total sum involved was \$10,000, and reasonable attorney fees.

Mr. Holmes—You are accustomed, Mr. Choate, to receive very large fees in New York; are you not?

Mr. Choate—Sometimes, and sometimes very small.

Mr. Sims—You know that there was no trial, but the case was submitted to arbitration.

Gen. Woodford—The preparation of an armed case is more difficult than a trial.

Mr. Choate—Then referred to the constitutionality of the bill of exchange, and it was necessary for Mr. De Witt to examine the court records, and the necessary valuation of real estate. Before this into account is taken, the bill of exchange is valid, and if you are sent back to State prison you will have to serve your term."

Casey tried to be surprised, but the effort was futile. Judge Fitzgerald remanded him to await sentence.

LOOKS VERY MUCH LIKE GAMBLING.

Justice Andrews Advises Humble and Mattheva to Try the General Sessions.

Justice Andrews of the Supreme Court listened to argument yesterday on writs of habeas corpus obtained on behalf of Humble and Mattheva, who were arrested for keeping a gambling house in the shape of a phonograph bucket shop.

Counsel for the prisoners tried to convince the Judge that the scheme was legitimate. He said that the Supreme Court General Term, on a submitted case involving this question against Mr. Humble, Justice Barrett held that the conviction had decided in his favor, holding that the court could not decide matters on suspicion.

Justice Andrews, after listening to the argument said, "Why, this seems to me to be a question of law, and not of fact, this case puts up a margin of per cent, and practically tells us what is coming out next on a phonograph in the prosecutor's pocket." He said, "I am not prepared to hold that no defense can be made on this point, but I am willing to let the court decide it."

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